



NORTHERN LAND COUNCIL

Our Land, Our Sea, Our Life

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STATEMENT FROM THE NORTHERN LAND COUNCIL TO THE JOINT SELECT COMMITTEE ON CONSTITUTIONAL RECOGNITION RELATING TO ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES

7 June 2018 Barunga, Northern Territory

The Northern Land Council is proud to appear before this Committee on the 30th anniversary of the Barunga Statement which was presented to the then Prime Minister of Australia by the Chairs of both the NLC and Central Land Council and called for a national Treaty.

That statement and the call for a treaty remains unfinished business. We are now seeking to address this with the Northern Territory for which an announcement will be made tomorrow.

A treaty process with the Northern Territory does not diminish the need for a national Treaty process with the Commonwealth of Australia.

We call upon this Committee and the Australian Government to provide the leadership required and agree to negotiate with the First Nations of Australia a Treaty or Treaties to provide for a just and moral basis for the settlement of Australia which occurred without our ancestors' consent.

We note that this injustice occurred even though the Imperial instructions from King George III to Lieutenant James Cook required him to seek the consent of the 'natives'.

You are likewise to observe the Genius, Temper, Disposition and Number of the Natives, if there be any and endeavour by all proper means to cultivate a Friendship and Alliance with them, making them presents of such Trifles as they may Value inviting them to Traffick, and Shewing them every kind of Civility and Regard; taking Care however not to suffer yourself to be surprized by them, but to be always upon your guard against any Accidents.

You are also with the Consent of the Natives to take Possession of Convenient Situations in the Country in the Name of the King of Great Britain: Or: if you find the Country uninhabited take Possession for his Majesty by setting up Proper Marks and Inscriptions, as first discoverers and possessors.

We remind you of the call in the Barunga Statement:

And we call on the Commonwealth Parliament to negotiate with us a Treaty

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recognising our prior ownership, continued occupation and sovereignty and affirming our human rights and freedom.

Barunga Statement

We repeat the call expressed in the Barunga Statement to recognise our rights in accordance with relevant United Nations Declarations and Covenants on human rights, especially as they now relate to Indigenous peoples:

- To self-determination;
- To permanent control and enjoyment of our ancestral lands;
- To compensation for loss of lands, culture and associated trauma and dispossession;
- To protection for and control of our sacred sites, objects and cultural knowledge;
- The return of our ancestral remains;
- To respect our identity including our unique culture, languages and religion;

Uluru Statement from the Heart

We also affirm the most recent Declaration by Indigenous Australians in the *Uluru Statement from the Heart* made in 2017.

We call for substantive Constitutional recognition of our status as First Nations peoples, the elimination of discrimination in the Constitution including the race power, a power to pass beneficial laws, a First Nations Voice enshrined in the Constitution and a Makarrata Commission to facilitate Treaty making and truth telling about our history.

In the Northern Territory the Territories power (s122) must be considered as well. It is a broad power of the Commonwealth Parliament which also allowed for the Intervention – the Northern Territory Emergency Response, a highly discriminatory act which suspended the *Racial Discrimination Act*. Aboriginal people continue to suffer the consequences of this racist public policy brought about by the Commonwealth Parliament. The Territories power needs to be constrained by a non-discriminatory requirement.

In concluding this statement, it is our belief that the people of Australia will support these historic reforms to the Constitution of Australia. The challenge is for the Commonwealth Government and the Prime Minister to support these measures and sponsor with the Opposition in a bi-partisan manner a referendum to finally recognise and empower us, the First Nations of Australia.

7 June 2018